

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRR(F) No.20 of 2017 (O&M)

Pankaj Kumari

... Petitioner

Versus

Pankaj Kumar

... Respondent

2. CRR(F) No.61 of 2018 (O&M)

Pankaj Kumar

... Petitioner

Versus

Pankaj Kumari

... Respondent

Date of decision: 16th May, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parminder Singh, Advocate
for the wife-Pankaj Kumari.

Mr. Harkesh Manuja, Advocate
for the husband-Pankaj Kumar.

FATEH DEEP SINGH, J.

Both these revision petitions, one filed by the wife-Pankaj Kumari and the other by husband-Pankaj Kumar, having been arisen out of the same very order dated 23.11.2016 passed by the Court of learned District Judge (Family Court), Karnal, on account of consanguinity of facts and law, are thus being taken up for disposal together.

The brief facts are that the wife-Pankaj Kumari filed against the husband-Pankaj Kumar an application under Section 125 of the

Cr.P.C. seeking maintenance. The Court of learned District Judge (Family Court), Karnal through impugned findings dated 23.11.2016, allowed the application of the wife holding that she was entitled to receive maintenance at the rate of Rs.5,000/- from the date of filing of petition along with the litigation expenses to the tune of Rs.11,000/-. That is how the wife has come up in a revision petition seeking enhancement of the same alleging it to be inadequate to meet both ends meet, whereas the husband has invoked jurisdiction of this Court claiming that it was highly excessive.

Appreciating the submissions of the two sides and on perusal of the records, it could not be dispelled by the learned counsel for the husband Mr. Harkesh Manuja that the wife is a destitute, owns no property and has no source of income and has rather been neglected and tortured by the husband, and she has been deserted by the husband since the year 2008 as has been observed by the Court below. The testimony of the wife as PW2 has clearly underlined the fact as to the economic capacity of the husband which is further corroborated by PW1 Jai Gopal. More so, though the wife claims that the husband owns about 26 acres of agricultural land in village Faridpur and earns Rs.1.00 lac per month, which has been refuted by the husband and who has tried to hide under the guise of being under depression due to act and conduct of the wife. The undisputed and un rebutted documentary evidence comprising of

jamabandi (Annexure P1) for the year 2005-06 shows that Smt.Bhagwanti, mother of the husband, owns 15 acres of land and which was in consequence of a Will dated 12.10.2006 by her deceased husband Krishan. It is also not displaced by the two sides that the husband happens to be the only male child of his mother besides three married sisters, who are residing separately, living away. The Court below taking into consideration all this evidence and aware of the fact that proceedings under Section 125 Cr.P.C. are summary in nature as a measure of social justice and have been especially enacted to protect the women and children and therefore, need to achieve the social purpose. The Court below, however, erred in awarding maintenance only at the rate of Rs.5,000/- per month fully aware of the fact that the wife is a house-wife with no source of income and keeping in view the rising trend of prices of essential commodities and living, ought to be on the higher side. In the light of what has been detailed and discussed in the evidence before the Court below and trying to create a balance between the needs of the wife and the economic prowess of the husband, having regard to the present trend of prices and the earnings from such a landholding, it would be justified and appropriate, considering that the wife with the passage of time would become old and need money for her maintenance also, as there could be an eventuality that she may need assistance for her upkeep, it would subserve the ends of justice if a sum of Rs.10,000/- per month as

maintenance from the date of the order of lower Court besides a sum of Rs.25,000/- as litigation expenses is granted to the wife.

With these observations, the revision petition filed by the wife viz. CRR(F) No.20 of 2017 is hereby allowed and the one filed by the husband i.e. CRR(F) No.61 of 2018 stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 16, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No